

Aberdeen City Council Committee Terms of Reference

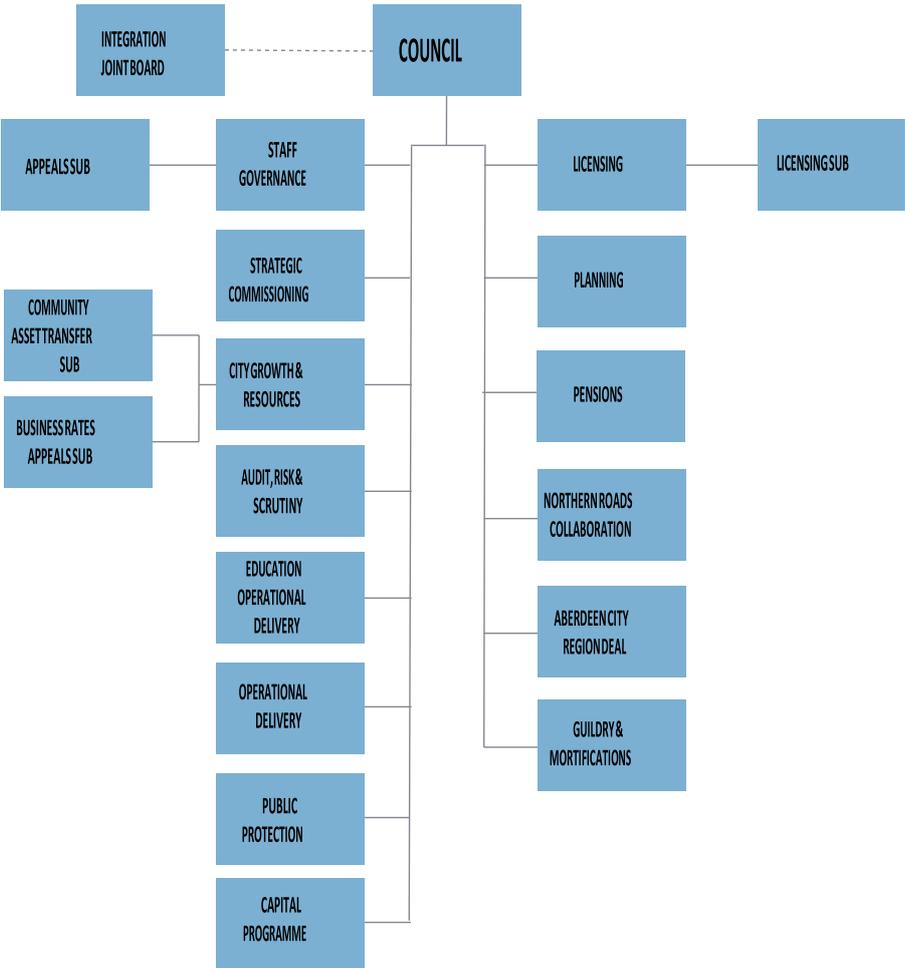


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INTRODUCTION



INTRODUCTION

1. The Council derives its authority from the Local Government (Scotland) Act 1973 and subsequent legislation. In exercising all of its functions and undertaking its responsibilities it must comply with the law.
2. Under s57 of the 1973 Act, the Council is permitted to appoint committees, or with other Councils, joint committees, to discharge functions which the Council could itself discharge, other than as set out in legislation.
3. A committee can appoint sub committees to exercise any function delegated to it.
4. Under s56(1) of the 1973 Act, the Council is permitted to delegate the discharge of functions to officers. The Committee terms of reference should be read in the context of the Powers Delegated to Officers. Any delegation made to an officer shall not prevent the Council, relevant committee or sub committee from exercising the power so delegated.
5. The Council has also delegated powers to the Integration Joint Board of the Aberdeen City Health and Social Care Partnership under the Public Bodies (Joint Working) (Scotland) Act 2014.
6. In accordance with Standing Order 478.7, Council can determine any matter which would otherwise fall to be determined by a committee or sub committee; and under Standing Order 478.8, a committee can determine any matter which would otherwise fall to be determined by one of its sub committees.
7. A committee can at any time refer or make a recommendation on any matter delegated to it to Council, and a sub committee can refer or make a recommendation on any matter delegated to it to Council or to its parent committee.
8. Any decision taken by a committee or sub committee is deemed to be a decision of Council itself.
9. These committee and sub committee terms of reference may be amended only after consideration of a report to Council or the appropriate parent committee by the Chief Officer – Governance.
10. Non material amendments to these committee and sub committee terms of reference can be made by the Chief Officer - Governance, following consultation with the Business Manager without the requirement to report to Council or the appropriate parent committee.
11. Any non material amendments made by the Chief Officer – Governance will be notified to members once completed.
12. The Terms of Reference will be reviewed annually by the Chief Officer – Governance as part of the review of the Scheme of Governance.
13. In exercising their functions, the Council, its committees and sub committees ~~shall~~should:
 - i. meet their equalities obligations and take full account of their responsibilities to those customers and citizens with protected characteristics;
 - ii. in accordance with Unicef’s Child Friendly Cities and Communities Programme, ensure, so far as possible, that children are allowed a voice in decisions which affect both them and their City;
 - iii. work with outside bodies and partners in the emerging civic leadership forums;

- iv. work with outside bodies and partner organisations, locally and nationally, to oversee strategic economic development and its governance in the city and civic leadership forums;
~~and~~
- v. consider the experience of customers and take such action to ensure to ensure that services meet customers' needs; ~~and~~
- ~~v.vi.~~ have regard to the Council's Risk Appetite Statement in balancing any risks and opportunities in pursuit of delivering the outcomes set out within the Local Outcome Improvement Plan (LOIP) and associated strategies.

JOINT WORKING WITH COMMITTEES AND NON COUNCIL BODIES

It is recognised that the Council and each committee will maintain an awareness of key issues through the work of other committees, through lead officers, Conveners and Vice Conveners working together. In addition, key issues will be considered following engagement with external organisations and communities, through appropriate forums.

1. ABERDEEN CITY COUNCIL

The Council reserves the following functions:

1. The setting of council tax in accordance with s93(1) of the Local Government Finance Act 1992 or the setting of a reduced amount of council tax under s94 of that Act or paragraph 3 of Schedule 7 to that Act.
2. The setting of a balanced budget annually, including the setting of fees and charges, including the approval of commissioning intentions and service standards.
3. The approval of the capital programme.
4. The borrowing of money as provided for in s56(6)(d) of the Local Government (Scotland) Act 1973.
5. The approval of any annual investment strategy or annual investment report required by any consent issued by Scottish Ministers under s40 of the Local Government in Scotland Act 2003.
6. The approval of the Council's Treasury Management Policy and Strategy.
7. The appointment of committees, including external members, and the number and allocation of committee places, the appointment and removal from office of the Lord Provost, Depute Provost, Leader or Co Leaders and/ or Depute Leader, Business Manager and Depute Business Manager, a convener for each committee and a vice convener as appropriate and the approval of senior councillor allowances.
8. The election of members to the Licensing Board.
9. The review of polling districts and polling places.
10. The administration of trusts in respect of which the Council is sole trustee or the only trustees are elected members and/or officers of the Council, such administration to include the exercise of all trustee powers in terms of legislation, common law and trust deeds.
11. The approval of the Local Development Plan.
12. The approval of an Administration's political priorities.
13. The consideration of the Council's Delivery Plan.
14. The consideration of its annual report of its effectiveness and each committee's annual report of its effectiveness.
15. The consideration, where required, of reports by both the Standards Commission for Scotland and the Financial Conduct Authority, and the overseeing of members' standards of conduct.
16. The establishment of the Appointment Panel in accordance with the Standing Orders for Council, Committees and Sub Committees.
17. The approval of the Council's Scheme of Governance.
18. The approval of the Council/Committee Diary.
19. The approval of the Scheme of Establishment for Community Councils.
20. The establishment of Working Groups.

21. To consider any matter which the Council has previously considered and agreed to receive a further report.

21.22. To consider Monitoring Officer reports under Section 5 of the Local Government and Housing Act 1989.

Commented [MO2]: To make explicit provision for this requirement which was previously silent.

Executive Lead: Chief Executive

2. GENERAL DELEGATIONS TO COMMITTEES

1. Each committee can settle claims against the Council arising out of the functions supervised by the committee, irrespective of value so long as the amount can be met from an approved budget, except where an officer has exercised a delegated power.
2. Each committee can vire within those functions in its remit, to the extent set out in the Financial Regulations.
3. Each committee and sub committee can determine any applications for loans, grants, donations and subscriptions except where an officer has exercised a delegated power.
4. Each committee can appoint up to five members, consistent with the principles of political balance, to attend any meeting or conference relevant to the interests of the committee subject to the following provisions:
 - 4.1 no more than two members will be appointed to attend a conference outwith the European Union without the approval of the City Growth and Resources Committee;
 - 4.2 in the case of a meeting or conference of interest to more than one committee, no more than six members and officers will be appointed without the approval of the City Growth and Resources Committee; and
 - 4.3 in the event of a disagreement among committees, the matter will be determined by the City Growth and Resources Committee.
5. Each committee will, as required, approve programmes of foreign travel for the financial year ahead as they relate to its remit, in accordance with the Travel Policy.
6. Each committee will consider and respond to petitions addressed to the Council as they relate to its remit, in accordance with the petitions procedure.
7. Except where an officer has chosen to exercise a delegated power, each committee can approve bids to awards programmes or for external funding relative to the remit which it oversees, subject to budget provision.
8. Each committee will, where appropriate:
 - 8.1 approve Council policies and strategies (including partnership strategies) relative to its remit;
 - 8.2 approve appointments to outside bodies relative to its remit;
 - 8.3 meet the requirement to achieve Best Value in performing its role;
 - 8.4 receive the cluster risk registers relative to its remit and scrutinise to ensure assurance;
 - 8.5 monitor performance relevant to its purpose and remit;
 - 8.6 receive its own committee planner; and
 - 8.7 receive reports, as required, concerning any matter within relative to its remit including reports on the implications of proposed draft legislation and evidencing the Council's readiness to comply with the new legal obligations and/or discretionary powers ~~on~~ concerning the functions relative to its remit.

3. EXCLUSIONS FROM DELEGATION TO COMMITTEES

1. Incurring revenue expenditure for which no provision or insufficient provision has been made in the revenue budget, except with the approval of the City Growth and Resources Committee.
2. Acquiring or disposing of any land or buildings or associated interests, except with the approval of the City Growth and Resources Committee.
3. Making representations to or appointing a deputation to meet any Government Minister or Government Department in relation to the financing of the Council or any of its services, except ~~with following consultation with the Convener the approval~~ of the City Growth and Resources Committee.

Commented [M03]: To provide a more efficient route, for example in matters of urgency it may not be possible to get the approval of the CG&R Committee without calling a special meeting which is not particularly practical.

4. URGENT BUSINESS COMMITTEE

PURPOSE OF COMMITTEE

Subject to relevant legislation, to deal with items of business of an urgent nature that cannot wait for the next meeting of Council or the appropriate committee or sub committee.

REMIT OF COMMITTEE

1. Subject to 1.5 below, to exercise all functions of the Council, or the committee or sub committee which would otherwise have dealt with the matter.

PROCESS

- 1.1 A meeting of the Committee will be called by the Chief Officer - Governance on the instruction of the Chief Executive where the Chief Executive and the Business Manager are satisfied that the relevant business is urgent.
- 1.2 The Chief Officer - Governance may subject to the Business Manager's approval add further matters to the agenda of a meeting already called only where the Chief Executive and the Business Manager are satisfied that the matters are urgent.
- 1.3 Before considering any item of business, the Committee will determine whether the item is urgent and requires to be considered, and if it does, the special circumstances will be specified in the minute.
- 1.4 If the Committee resolves not to consider the matter, the item of business will be placed on the agenda for the next scheduled meeting of the Council, Committee or Sub Committee as appropriate.
- 1.5 The Committee cannot consider, in terms of Standing Order 5.3, any business relating to the removal of a member from office.

Executive Lead: Chief Executive

5. STRATEGIC COMMISSIONING COMMITTEE

PURPOSE OF COMMITTEE

To approve all internal and external commissioning activity by the Council, in accordance with the commissioning cycle, with the exception of procurement relating to the Capital Programme.

REMIT OF COMMITTEE

1. Analysis

- 1.1 to receive a bi-annual Population Needs Assessment to understand the needs which public bodies must address;
- 1.2 to receive, as appropriate, an in-depth analysis of key groups, priorities and challenges across public services to identify and action potential efficiencies and improvements to help ensure that the needs of customers and citizens are met and commissioning intentions are delivered; and
- 1.3 to receive, as appropriate, sufficiency and market analyses to understand existing and potential provider strengths and weaknesses, and identify and take action in respect of any opportunities for improvement or change in providers.

2. Planning

- 2.1 to endorse the refresh of the Local Outcome Improvement Plan (LOIP) including recommending any changes which may be required;
- 2.2 to approve annual procurement workplans, reflecting the LOIP, the Population Needs Assessment, the Council's commissioning intentions, the Council's service standards, the views of customers and citizens, and the best evidence of effective interventions to ensure a preventative focus on demand reduction.

3. Doing

- 3.1 to approve all procurement activity by the Council, with the exception of procurement relating to the Capital Programme which will be approved by the City Growth and Resources Committee, including
 - 3.1.1 Procurement Business Cases submitted in accordance with Procurement Regulations;
 - 3.1.2 Grants and associated conditions;
 - 3.1.3 Contract management arrangements and Service Level Agreements; and
 - 3.1.4 The establishment of Arm's Length External Organisations (ALEOs) where it is determined that services should not be provided in-house.
- 3.2 when approving procurement activity, the Committee will:
 - 3.2.1 promote investment in the prevention, early intervention and reduction in the demand for services; consider the experience of customers and take such action to ensure that services to be commissioned are co-designed to meet customers' needs;

3.2.2 ensure that commissioned services are focused on delivering the Council's agreed commissioning intentions and contribution to the LOIP; and

3.2.3 identify potential efficiencies and improvements in quality, including across partner organisations and promote the strategic allocation of resources.

3.3 to decommission services, including ALEOs, that do not meet the Council's commissioning intentions and outcomes.

3.4 to take such action to ensure that appropriate supply management and capacity building (market facilitation) is in place to ensure a good mix of resilient service providers, that offer customers an element of choice in how their needs are met;

3.5 to approve the Strategy Framework to facilitate the delivery of agreed outcomes.

4. Reviewing

4.1 to approve amendments to the Council's Performance Management Framework (PMF);

4.2 to receive annual reports on the LOIP and Locality Partnership Plans;

4.3 to consider and monitor performance associated with the Council's agreed commissioning intentions and ultimate contribution to the LOIP outcomes;

4.4 to receive annual reports from each of the council's ALEOs to enable scrutiny of performance;

4.5 to receive an annual procurement performance report to enable scrutiny of performance; and

4.6 to receive reports on any change in legislative requirements, policy and population needs which may facilitate opportunities to work differently to improve outcomes or may require revisions to existing commissioning intentions and outcomes.

5. Service Delivery

5.1 The Committee will, for the Commercial and Procurement cluster:-

5.1.1 oversee, and make decisions relating to service delivery;

5.1.2 approve options to improve/transform service delivery;

5.1.3 scrutinise operational performance and service standards in line with the Performance Management Framework and consider recommendations for improvements where required;

5.1.4 receive the cluster risk registers relative to its remit and scrutinise to ensure assurance of the controls in place;

5.1.5 approve all policies and strategies relative to its remit; and

5.1.6 receive reports on inspections and peer reviews in order to ensure best practice and note any actions arising from those inspections and reviews.

Executive Lead: Director of Commissioning

6. CITY GROWTH AND RESOURCES COMMITTEE

PURPOSE OF COMMITTEE

To approve and monitor financial strategies, budgets and financial performance in light of available funding. The Committee will also consider:

- strategies to support the city's economic growth;
- additions to the Capital Programme; and
- recommendations regarding the Council's property and estates portfolio.

The Committee monitors the delivery of all services provided by the Resources Function and City Growth, Governance and Strategic Place Planning. It scrutinises performance and approves options to improve those services within set budgets to ensure best value and delivery of the Council's agreed outcomes.

REMIT OF COMMITTEE

1. Budgets

The Committee will:

- 1.1** approve recommendations regarding the Council's resources including finance, staffing structures and property; and monitor all Council budgets including all Useable Reserves, and in particular:
 - 1.1.1** scrutinise function budget monitoring reports and make decisions to ensure that Council spending is delivered on budget;
 - 1.1.2** hold budget holders to account for the proper control of the budget for which they are responsible;
 - 1.1.3** approve changes to the budget including vire between function budgets where this is in excess of the amount delegated to officers in the Financial Regulations and Powers Delegated to Officers;
 - 1.1.4** consider and approve Outline and Full Business Cases for projects added to the Capital Programme outwith the budget process;
 - 1.1.5** approve annual procurement workplans in respect of the Capital Programme;
 - 1.1.6** approve Procurement Business Cases in respect of projects added to the Capital Programme outwith the budget process, submitted in accordance with Procurement Regulations;
 - 1.1.7** approve the allocation of additional funding or removal of funding to existing projects, both capital and revenue;
 - 1.1.8** approve the addition of new projects to the Capital Programme outwith the budget process;
 - 1.1.9** approve use of the Council's Useable Reserves;

1.1.10 monitor the Code of Guidance on Funding External Bodies and Following the Public Pound and take such action as is required to ensure that the Council meets its duties;

1.1.11 receive Moody's formal credit rating reassessment; ~~and~~

~~1.1.12~~ approve financial guarantees, including requests received from relevant Admitted Bodies of the Pension Fund; ~~and-~~

~~1.1.12.1.13~~ consider numbers and values of Council Tax, Non-Domestic Rates, Housing Benefit overpayments and Rent made unrecoverable, as required in terms of the Financial Regulations, and approve Non-Domestic Rates write offs.

Commented [MO4]: To explicitly cover this aspect which was the subject of a report to the committee in 2020.

2. Service Delivery

2.1 The Committee will, for the Resources Function and the City Growth, Governance and Strategic Place Planning Clusters:-

2.1.1 make decisions relating to service delivery;

2.1.2 approve options to improve/transform service delivery;

2.1.3 scrutinise operational performance and service standards in line with the Performance Management Framework and consider recommendations for improvements where required;

2.1.4 receive the cluster risk registers relative to its remit and scrutinise to ensure assurance that efficient controls are in place;

2.1.5 approve all policies and strategies relative to its remit; and

2.1.6 receive reports on inspections and peer reviews in order to ensure best practice and note any actions arising from those inspections and reviews.

2.2 In undertaking the aspects at 2.1, the Committee will ensure that it is acting within the budget set by Council and overseen by this Committee and in accordance with best value and supporting delivery of the Council's agreed outcomes, commissioning intentions, service specifications and service standards.

3. City Growth and Strategic Place Planning

The Committee will:

3.1 approve reports to support the annual re-assessment of the Council's credit rating;

3.2 approve the Council's actions for city growth and place planning except in relation to major infrastructural planning and the Local Development Plan; and

3.3 approve key actions required by the Council to facilitate the delivery of strategies (including partnership strategies) and the Inward Investment Plan to support city growth and place planning.

4. Property and Estates

The Committee will:

- 4.1 approve recommendations regarding the Council's assets, property and estates;
- 4.2 hear and determine requests for review under s86(10) of the Community Empowerment (Scotland) Act 2015 against the refusal by officers to approve community asset transfers;
- 4.3 approve the procedure for the Community Asset Transfer Sub Committee; and
- 4.4 approve the acquisition and disposal of land, and property.

Executive Lead: Chief Officer - Finance

7. BUSINESS RATES APPEALS SUB COMMITTEE

PURPOSE OF SUB COMMITTEE

To hear appeals against rating liability under s238 of the Local Government (Scotland) Act 1947.

REMIT OF SUB COMMITTEE

1. To determine all requests for appeal against the identification of an individual as being responsible for the payment of business rates.
2. The Sub Committee shall operate in terms of the agreed procedure, which shall comply with s238 of the Local Government (Scotland) Act 1947.
3. The Sub Committee shall comprise five elected members and the quorum shall be three.

Executive Lead: Chief Officer - Finance

8. COMMUNITY ASSET TRANSFER REVIEW SUB COMMITTEE

PURPOSE OF SUB COMMITTEE

To act as the review body in respect of decisions relating to Asset Transfer Requests, as defined in s86(10) of the Community Empowerment (Scotland) Act 2015, which states that a review must be carried out by Councillors.

REMIT OF SUB COMMITTEE

1. To determine all requests for a review of the decision taken by officers or the City Growth and Resources Committee in respect of Community Asset Transfers.
2. The Sub Committee shall operate in terms of the agreed procedure, which shall comply with the Asset Transfer Request (Review Procedure) (Scotland) Regulations 2016.
3. The Sub Committee shall comprise five elected members who have not participated in the original decision at City Growth and Resources Committee and the quorum shall be three.

Executive Lead: Chief Officer - Finance

9. CAPITAL PROGRAMME COMMITTEE

PURPOSE OF COMMITTEE

To monitor the development and delivery of the council's capital programme as well as monitoring the development of the Local development plan.

REMIT OF COMMITTEE

1. The Committee in relation to the capital programme will:-
 - 1.1 scrutinise the progress and delivery of capital projects against the approved business cases;
 - 1.2 review progress in the delivery of the benefits of the Capital Programme, including through the receipt and scrutiny of Post Project Evaluations (PPEs) and Post Occupancy Evaluations (POEs); and
 - 1.3 request a report to allow for the detailed consideration of any project which is of particular concern or interest.
2. The Committee will oversee and approve the preparation of the Local Development Plan, subject to final approval thereon being given by Council.

Executive Lead: Chief Officer – Capital

10. OPERATIONAL DELIVERY COMMITTEE

To monitor the delivery of all services provided by the Customer Services Function and the Operations Function (with the exception of educational services). It will also scrutinise performance and approve options within set budgets to ensure best value and delivery of the Council's agreed outcomes.

REMIT OF COMMITTEE

1. Service Delivery and Performance

- 1.1** The Committee will, in respect of the Customer Services Function and the Operations Function (with the exception of educational services):-
 - 1.1.1** oversee, and make decisions relating to, service delivery;
 - 1.1.2** approve options to improve/transform service delivery;
 - 1.1.3** scrutinise operational performance and service standards in line with the Performance Management Framework and consider recommendations for improvements where required;
 - 1.1.4** receive the cluster risk registers relative to its remit and scrutinise to ensure assurance of the controls in place;
 - 1.1.5** approve all policies and strategies relative to its remit; and
 - 1.1.6** receive reports on inspections and peer reviews in order to ensure best practice and note any actions arising from those inspections and reviews.
- 1.2** In undertaking the aspects at 1.1, the Committee will ensure that it is acting within the budget set by Council and is supporting the delivery of the Council's agreed outcomes, commissioning intentions and service standards.
- 1.3** The Committee may make recommendations to the appropriate committee(s) or sub committee(s) on areas affecting the Customer Services Function or the Operations Function (with the exception of educational services) where the authority to approve sits within the remit of another Committee or Sub Committee.

Executive Lead: Chief Operating Officer and the Director of Customer Services

11. EDUCATION OPERATIONAL DELIVERY COMMITTEE

PURPOSE OF COMMITTEE

To advise on and discharge the Council's functions as education authority as set out in the Education (Scotland) Act 1980 and all other relevant legislation and regulations where not otherwise delegated.

The committee will also:

- monitor the delivery of educational services undertaken as education authority and provided by Integrated Children's and Family Services (with the exception of children's social work services which will be monitored by the Operational Delivery Committee);
- make recommendations in respect of school property matters to the City Growth and Resources Committee;
- scrutinise performance; and
- agree changes such as school zoning arrangements (within set budgets), or make recommendations to another committee, for improvements to functions related to education in order to ensure best value and delivery of the Council's agreed outcomes, commissioning intentions, service specifications and service standards.

REMIT OF COMMITTEE

1. Service Delivery and Performance

1.1 The Committee will, in respect of educational services (early years and schools) provided by Integrated Children's and Family Services and the management of the school estate undertaken by the Corporate Landlord:-

- 1.1.1** oversee, and make decisions relating to service delivery;
- 1.1.2** approve options to improve/transform service delivery relative to the functions of the Council as education authority under the Education (Scotland) Act 1980 and all other relevant legislation and regulations;
- 1.1.3** scrutinise operational performance and service standards in line with the Performance Management Frameworks and consider recommendations for improvements where required;
- 1.1.4** receive the cluster risk registers relative to its remit and scrutinise to ensure assurance of the controls in place;
- 1.1.5** approve all policies and strategies relative to its remit; and
- 1.1.6** receive reports on school inspections and peer reviews in order to ensure best practice and note any resultant improvement actions arising from those inspections and reviews.

1.2 In undertaking the aspects at 1.1, the Committee will ensure that it is acting within the budget set by Council and is supporting the delivery of the Council's agreed outcomes, commissioning intentions and service standards.

- 1.3 The Committee may make recommendations to the appropriate committee(s) or sub committees on areas affecting educational services where the authority to approve sits within the remit of another committee or sub committee.

EXTERNAL MEMBERSHIP

The Committee's membership will include seven persons with voting rights who are not members of the Council. The seven external members will be appointed by the Council at its statutory meeting (or other meeting as appropriate) as follows:-

1. three persons representing religious bodies in accordance with the requirements of s124 (4) of the Local Government (Scotland) Act 1973; and
2. in accordance with the discretion conferred by s124 (3) of the Local Government (Scotland) Act 1973:
 - 2.1 two teachers employed in educational establishments managed by the Council nominated by the Teachers' Consultative Forum, comprising one representative from primary, including nursery, and one representative from secondary; and
 - 2.2 two parent representatives, selected by the Aberdeen City Parent Council Forum from within its own membership, comprising one representative from primary, including nursery, and one representative from secondary.

Executive Lead: Chief Operating Officer and the Director of Customer Services

12. AUDIT, RISK AND SCRUTINY COMMITTEE

PURPOSE OF COMMITTEE

To ensure that the Council has robust arrangements for:

- Good governance including information governance, surveillance, fraud, bribery and corruption;
- Maintaining an effective control environment through an effective approach to risk management; and
- Reporting on financial and performance reporting.

The Committee will also monitor the effectiveness of the Internal Audit function and the Council's implementation of its recommendations, as well as the implementation of the recommendations of its external auditors.

REMIT OF COMMITTEE

1. Risk Management

The Committee will ensure the effectiveness of the Council's risk management system and will:

- 1.1 receive an annual review of the system of risk management, **including business continuity planning,** and an annual report on the corporate risk register and related action plans;
- 1.2 monitor the implementation of the Council's ALEO Assurance Framework by receiving reports from the ALEO Assurance Hub on the monitoring and mitigation of risks to the Council associated with its ALEOs;
- 1.3 receive an annual report in respect of the Council's information governance;
- 1.4 approve all relevant policies.

Commented [M05]: Transferred from the Public Protection Committee Terms of Reference in recognition that business continuity plans are key sets of controls within the Council's Risk Management Framework – they do not relate solely to civil contingency events. This change would reflect previous practice.

Business Continuity Plans will still be a feature of the annual resilience report to Public Protection Committee so far as they relate to civil contingencies.

2. Internal Audit

The Committee will:

- 2.1 approve the Internal Audit Annual Plan;
- 2.2 consider reports prepared by Internal Audit (with the exception of reports related to Pensions);
- 2.3 monitor compliance with Internal Audit recommendations (with the exception of reports related to Pensions);
- 2.4 monitor the performance of Internal Audit.

3. External Audit

The Committee will:

- 3.1 consider reports prepared by the Council's External Auditor;
- 3.2 monitor the Council's relationship with the External Auditor;
- 3.3 receive reports from the Local Area Network; and

3.4 monitor compliance with External Audit recommendations.

4. Governance, Accounts and Finance

The Committee will:

- 4.1 approve the Council's Annual Report and Annual Accounts;
- 4.2 approve the annual governance statement;
- 4.3 approve and monitor the Council's Code of Corporate Governance and approve such action as appropriate; and
- 4.4 monitor the integrity of financial reporting, and governance processes and internal control functions and approve such action as appropriate.

5. Legal obligations

The Committee will:

- 5.1 consider reports in respect of the whistle blowing policy; and
- 5.2 monitor the Council's compliance with its statutory obligations relating to surveillance, information governance, bribery, corruption and fraud, including the approval of all relevant policies.

6. Scrutiny

The Committee will:

- 6.1 once a matter, process or practice has been the subject of a report to Council or committee (including internal and external audits) and the consideration of the matter concluded by Council or said committee action (with the exception of quasi judicial matters and the Appeals, Business Rates Appeals and Community Asset Transfer Review Sub Committees), the committee, to ensure good practice, can determine that further consideration is required. It will not prevent, or alter, any decision being taken and will only review the effectiveness of decision making, or monitoring and may make recommendations to the relevant committee or Council;
- 6.2 on occasion, where appropriate and as it sees fit, seek information from partner organisations, contractors or other stakeholders such as Community Councils or groups of interest on any particular issue;
- 6.3 request, where appropriate and in terms of any contract or agreement, representatives of external organisations to attend and contribute to meetings; and
- 6.4 receive reports from regulatory bodies and those providing external assurance such as the Scottish Public Services Ombudsman and Inspector of Crematoria, ensure that the Council responds appropriately and monitor compliance with recommendations.

Executive Lead: Chief Officer – Governance

13. STAFF GOVERNANCE COMMITTEE

PURPOSE OF COMMITTEE

To act as a consultative forum for discussion between management, elected members and trade unions, on matters relating to staff in the pursuit of a workplace culture that reflect the requirements of a 21st Century public sector organisation.

Through partnership working the committee will support the Council becoming an employer of choice by promoting positive values, behaviours, training and recruitment and ways of working.

The Committee also acts as safety committee within s2(7) of the Health and Safety at Work etc Act 1974 and keeps under review measures taken to ensure the health and safety at work of employees. The committee provides a channel of communication, co-operation and involvement between the Council and trade union representatives on all relevant health and safety matters.

REMIT OF COMMITTEE

1. Partnership approach arrangements

The Committee will:

- 1.1 seek to maintain good relationships and model a partnership approach between the Council and trade unions;
- 1.2 provide a decision making forum, for the resolution of staffing matters that cannot be resolved through normal processes including but not restricted to conditions of service (except teachers¹); and
- 1.3 consider reports by the Chief Officer – People and Organisational Development on matters following a request by a trade union advisor provided always that the Chief Officer – People and Organisational Development is satisfied that the matter is appropriate and relevant to the remit of the Committee and that it raises no question of individual employee issues.

2. Strategic Workforce Plans and Policies

The Committee will:

- 2.1 approve the Framework Agreement for Industrial Relations (the FAIR agreement);
- 2.2 approve strategic workforce plans which reflect the requirements of a 21st Century Council in terms of staff, skills and attributes;
- 2.3 approve framework documentation in relation to workforce culture;
- 2.4 approve strategic training and development plans for the whole organisation;
- 2.5 approve all staff policies, these being policies where the predominant factor affects the expected behaviour and actions of staff;
- 2.6 monitor equality in employment and ensure that the Council, as an employer, complies with its statutory equal pay and other equality responsibilities; and

¹ Teacher conditions of service are not agreed locally – they are agreed at national level, and therefore the Staff Governance Committee would have no locus to make any decisions on teaching terms and conditions.

2.7 receive people performance data to enable the monitoring of the wellbeing of our staff including but not limited to absence data.

3. Health, Safety & Wellbeing of Staff

The Committee will:

- 3.1 approve health, safety and wellbeing policies
- 3.2 approve the Corporate Health and Safety Annual Audit Plan
- 3.3 monitor performance and compliance across all functions of the Council in respect of
 - i. Health and safety legislation
 - ii. Health, safety and wellbeing policies
 - iii. Health and safety recommendations, including those from external inspection bodies

4. Employment Appeals and Disputes

The Committee will:

- 4.1 approve the procedure for the Appeals Sub Committee.

MEMBERSHIP

Elected members

Local trades union representatives as advisers – two named advisers from each of the following trades unions:

- Unison
- Unite
- GMB
- Educational Institute of Scotland (EIS)
- Scottish Secondary Teachers' Association (SSTA); and
- VOICE

Executive Lead: Chief Officer – People and Organisational Development

14. APPEALS SUB COMMITTEE

PURPOSE OF THE SUB COMMITTEE

To determine all delegated staff employment issues raised in accordance with Council policy where provision exists for an appeal to this Sub Committee.

REMIT OF THE SUB COMMITTEE

1. The Sub Committee will:
 - 1.1 determine appeals raised in accordance with Council policy where a right to appeal exists against dismissal or final written warning arising from hearings where the right of appeal exists; and
 - 1.2 determine disputes notified by Trades Unions in accordance with the Council's disputes resolution procedures.
3. The Sub Committee will operate in terms of the agreed procedure.
4. The Sub Committee will comprise five elected members drawn from the pool of membership of the Staff Governance Committee and the quorum will be three.

Executive Lead: Chief Officer – People and Organisational Development

15. PUBLIC PROTECTION COMMITTEE

PURPOSE OF COMMITTEE

To receive assurance on the statutory regulatory duties placed on the Council for:

- Child Protection;
- Adult Protection;
- Consumer Protection and Environmental Health;
- Civil Contingency responsibilities for local resilience and prevention; and
- Building control.

To undertake the Council's duties in relation to the Police and Fire and Rescue Services under the Police and Fire Reform (Scotland) Act 2012.

REMIT OF COMMITTEE

1. Child and Adult Protection

The Committee will receive assurance from the Child and Adult Protection Committees on:

- 1.1 the impact and effectiveness of child and adult support and protection improvement initiatives, including:
 - 1.1.1 delivery of national initiatives and local implications;
 - 1.1.2 learning from significant case reviews;
 - 1.1.3 quality assurance;
 - 1.1.4 training and development; and
 - 1.1.5 local evidence based initiatives;
- 1.2 effective working across child and adult protection; and
- 1.3 statistics relating to the Child Protection Register and the Vulnerable People's Database, whilst noting that it has no remit to challenge entries.

The Committee will also:

- 1.4 receive assurance on the outcome of Council's duty to deliver an effective justice service as determined by statutory inspections;
- 1.5 receive assurance on the Council's compliance with statutory duties in respect of child poverty; and
- 1.6 consider the Chief Social Work Officer's Annual Report

2. Local Resilience

The Committee will:

- 2.1 monitor compliance with the Council's duties relating to resilience and local emergencies; this includes reviewing staffing arrangements and systems for incident management;

2.2 monitor compliance with the Council's duties relating to the provision of a city mortuary, and its adequacy for supporting the needs of mass fatalities;

~~2.3 receive assurance that services are maintaining and reviewing Business Continuity Plans in accordance with the priorities allocated to them;~~

~~2.4.2.3~~ receive relevant local, regional and national lessons learnt reports and recommendations in respect of emergency planning matters and monitor their implementation; and

2.4 monitor the Council's response to the National CONTEST strategy and associated plans relating to Counter Terrorism.

3. Protective Services

The Committee will:

- 3.1 receive assurance in respect of the Council's performance in relation to Trading Standards, Environmental Health (including the Public Mortuary) and Scientific Services;
- 3.2 receive external inspection and audit reports relating to the above services listed at 3.1; and
- 3.3 receive a summary of findings from statutory sampling and analysis work carried out by or on behalf of the Environmental Health and Trading Standards services to ensure compliance with required standards.

4. Building Control

The Committee will consider reports on:

- 4.1 major incidents and fatal accident inquiries and any resulting impact and responsibilities placed on the Council;
- 4.2 activity by Building Standards in relation to public safety and dangerous buildings; and
- 4.3 activity by Building Standards in relation to public safety for unauthorised building work and the unauthorised occupation of buildings.

5. Police and Fire and Rescue Service

In respect of the Council's responsibilities under the Fire (Scotland) Act 2005 and the Police and Fire Reform (Scotland) Act 2012 in relation to the Scottish Police Authority, the Police Service of Scotland and the Scottish Fire and Rescue Service, the Committee will:

- 5.1 contribute to and comment on the Strategic Police Plan and the Scottish Fire and Rescue Service Strategic Plan when consulted by the relevant national authority;
- 5.2 respond to consultation by the Chief Constable on the designation of a local commander and by the Scottish Fire and Rescue Service on the designation of a local senior officer;
- 5.3 be involved in the setting of priorities and objectives both for the policing of Aberdeen and for the Scottish Fire and Rescue Service in the undertaking of its functions in Aberdeen;
- 5.4 specify policing measures the Council wishes the local commander to include in a Local Police Plan;

Commented [MO6]: Transfer reference of business continuity plans specifically to the Audit, Risk and Scrutiny Committee Terms of Reference in recognition that the system of business continuity plans are key controls to the Council's Risk Management Framework which is reported annually to the Audit, Risk and Scrutiny Committee. This change would better reflect previous practice.

Business Continuity Plans will still be a feature of the annual resilience report to the Public Protection Committee so far as they relate to civil contingencies planning.

- 5.5 approve a Local Police Plan submitted by the local commander and approve a Local Fire and Rescue Plan (including a revised plan) submitted by the Scottish Fire and Rescue Service;
- 5.6 receive reports on service provision and delivery in Aberdeen and provide feedback to the local commander and the local senior officer;
- 5.7 consider reports, statistical information and other information about the policing of Aberdeen and the undertaking of the Fire and Rescue function in Aberdeen provided in response to the Council's reasonable requests;
- 5.8 agree, with the local commander, modifications to an approved Local Police Plan at any time; and
- 5.9 liaise with the local commander and local senior officer with regard to the undertaking by them of the community planning duties of the Chief Constable and the Scottish Fire and Rescue Service.

Executive Lead: Chief Officer – Governance

16. PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

PURPOSE OF COMMITTEE

To ensure the effective undertaking of the Development Management and Building Standards duties of the Council.

REMIT OF COMMITTEE

The Committee will:

1. determine all applications for consent or permission except those local applications which fall to be determined by an appointed officer under the adopted Scheme of Delegation or for which a Pre Determination Hearing has been held;
2. visit application sites where agreed;
3. make Orders and issue Notices;
4. approve development briefs and masterplans;
5. adopt non-statutory planning management guidance;
6. conduct pre-determination hearings in pursuance of the provisions contained within s38A of the Town and Country Planning (Scotland) Act 1997; and
7. determine an application for planning permission for a development where a pre determination hearing is held in terms of s38A of the Town and Country Planning (Scotland) Act 1997.

Executive Lead: Chief Officer – Strategic Place Planning

17. LICENSING COMMITTEE

PURPOSE OF COMMITTEE

To deal with the functions of the Council in relation to all licensing matters under the Civic Government (Scotland) Act 1982 and all other Acts (not falling specifically within the remit of the Licensing Board or any other Committee) covering personal or other licences, certificates and permits. This includes but is not restricted to applications for Mandatory and Discretionary Licences under Civic Government (Scotland) Act 1982; and Miscellaneous Licences under other Legislation.

Mandatory Licences	
<ul style="list-style-type: none"> Metal Dealer Licences 	<ul style="list-style-type: none"> Houses in Multiple Occupation Licences
<ul style="list-style-type: none"> Indoor Sports Entertainment Licences 	<ul style="list-style-type: none"> Knife Dealer Licences
<ul style="list-style-type: none"> Skin Piercing and Tattoo Licences 	<ul style="list-style-type: none"> Taxi Booking Office Licences
Discretionary Licences	
<ul style="list-style-type: none"> Taxi and Private Hire Car Licences 	<ul style="list-style-type: none"> Public Entertainment Licences
<ul style="list-style-type: none"> Taxi and Private Hire Car Driver Licences 	<ul style="list-style-type: none"> Late Hours Catering Licences
<ul style="list-style-type: none"> Second Hand Dealer Licences 	<ul style="list-style-type: none"> Window Cleaner Licences
<ul style="list-style-type: none"> Boat Hire Licences 	<ul style="list-style-type: none"> Sex Shop Licences
<ul style="list-style-type: none"> Street Trader Licences 	<ul style="list-style-type: none"> Permission to organisations for public charitable collections and public processions
<ul style="list-style-type: none"> Market Operator Licences 	
Miscellaneous Licences under other Legislation	
<ul style="list-style-type: none"> Houses in Multiple Occupation - Housing (Scotland) Act 2006 	
<ul style="list-style-type: none"> Registration of Private Landlords - Antisocial Behaviour etc. (Scotland) Act 2004 	
<ul style="list-style-type: none"> Theatre Licence – Theatres Act 1968 	
<ul style="list-style-type: none"> Cinema Licence - Cinemas Act 1985 	
<ul style="list-style-type: none"> Safety in Sports Grounds - Safety in Sports Grounds Act 1975 	

REMIT OF COMMITTEE

The Committee will:

- determine applications for the grant, renewal, revocation, variation or suspension of any licence as appropriate;
- determine applications and reviews for Houses in Multiple Occupation under the Housing (Scotland) Act 2006 (the responsibility for all other matters relating to the licensing of Houses in Multiple Occupation resting with the Operational Delivery Committee);

3. determine all other matters relating to licensing including the setting of taxi fares and the designation of taxi stances;
4. approve and monitor the Council's functions under the Safety of Sports Grounds Act 1975;
5. determine landlord registration applications under the Antisocial Behaviour Etc (Scotland) Act 2004;
6. determine film classifications under the Cinemas Act 1985;
7. determine theatre licences under the Theatres Act 1968; and
8. determine which of the optional licences they will invoke and which categories of activity within those licence categories shall be licenced under the Civic Government (Scotland) Act 1982.

18. LICENSING SUB COMMITTEE

PURPOSE OF THE SUB COMMITTEE

To act as the Licensing Committee in respect of applications referred by the Licensing Committee, or where there are items of urgent business to be determined.

REMIT OF THE SUB COMMITTEE

The Sub Committee will:

1. determine any application referred to it by the Licensing Committee for the grant, renewal, revocation, variation or suspension of any licence; and
2. determine any urgent business placed before it by the Chief Officer - Governance or Chief Officer – Early Intervention and Community Empowerment relating to any matters falling within the remit of the Licensing Committee.

Members of the Sub Committee will be members of the Licensing Committee and the quorum will be 3 members.

Executive Lead: Chief Officer – Governance

19. PENSIONS COMMITTEE

PURPOSE OF COMMITTEE

To discharge all functions and responsibilities in respect of the Council's role as administering authority for the North East Scotland Pension Funds (NESPF). This includes managing the investment of the NESPF in accordance with the Local Government Pension Scheme (Management and Investment of Funds) (Scotland) Regulations 2010 and other relevant legislation.

The Committee will work alongside the Fund's Local Pension Board to consider any pension compliance matters raised.

Where reference is made to 'the Fund', this refers to the Main Fund (the North East Scotland Pension Fund) and the Transport Fund (the Aberdeen City Council Transport Fund).

REMIT OF COMMITTEE

1. Finance and Risk Management

The Committee will:

- 1.1 approve the Funding Strategy Statement, produced in light of the Fund's assets and liabilities, and appoint or remove Fund Managers or new financial vehicles in furtherance of the strategy;
- 1.2 approve the budget and expenditure in connection with the administration of the Fund;
- 1.3 ensure that an effective system of internal financial control is maintained through scrutinising financial information presented to Committee;
- 1.4 ensure effective risk management of the Fund through monitoring of adherence to the Fund Risk Management Policy and regular scrutiny of the Fund risk register; and
- 1.5 determine applications for Admitted Body Status.

2. Internal and External Audit

The Committee will:

- 2.1 approve the annual audit plans in relation to the Fund; and
- 2.2 consider all reports prepared by the Council's Internal and External Auditors in relation to the Fund.

3. Annual Report and Accounts

The Committee will:

- 3.1 approve the Annual Report and Accounts, including the Annual Governance Statement.

4. Legal Obligations

The Committee will ensure:

- 4.1 compliance with the Local Government Pension Scheme (Scotland) Regulations as amended and with all other legislation governing the administration of the Fund; and
- 4.2 adherence to the principles set out in the Pension Regulator's Code of Practice.

5. Scrutiny

The Committee will:

- 5.1 monitor and approve the administration of the Local Government Pension Scheme (LGPS) in accordance with the LGPS (Scotland) Regulations 2018 and other relevant legislation; and
- 5.21 scrutinise the performance of Fund Managers, including in relation to environmental, social and governance (ESG) and voting matters, through regular performance reports to Committee.

Executive Lead: Chief Officer – Finance

20. GUILDRY AND MORTIFICATION FUNDS COMMITTEE

PURPOSE OF COMMITTEE

To consider applications for payments from certain charitable funds held by the Council which fall into two categories, the Guildry Funds and the Mortification Funds.

REMIT OF COMMITTEE

The Committee will:

- 1.1 consider applications for payments and make recommendations on the appropriate level of allowance to be made.
- 1.2 receive reports from the Lord Dean of Guild in respect of Burgess activity and business.

Executive Lead: Chief Officer – Finance

21. ABERDEEN CITY REGION DEAL JOINT COMMITTEE

The Aberdeen City Region Deal Joint Committee is a Joint Committee established by Aberdeen City Council and Aberdeenshire Council (the “Constituent Authorities”) under s56 and s57 of the Local Government (Scotland) Act 1973.

The creation of the Joint Committee represents the joint commitment of the Constituent Authorities and Opportunity North East (“ONE”) to support and oversee the implementation of the Aberdeen City Region Deal.

In particular it shall have the power to:

1. Approve Business Cases for City Region Deal projects and any other related documentation with the exception of those where approval is reserved to either or both of the Constituent Authorities.
2. Make recommendations to the Constituent Authorities and ONE in respect of projects within the City Region Deal Strategic and Policy plans.
3. Monitor the effectiveness of the implementation and the delivery of the City Region Deal and to report to the Constituent Authorities on progress.
4. Receive updates from the United Kingdom and Scottish Governments in connection with any aspect of the City Region Deal, projects relating to the Memorandum of Understanding signed by the United Kingdom and Scottish Governments and the Constituent Authorities or additional United Kingdom and Scottish Government investment and any related projects.
5. Approve (i) the overall programme funding for the City Region Deal; and (ii) the detailed breakdown and use of the Constituent Authorities’ financial contributions to the City Region Deal in relation to such overall programme funding for the City Region Deal where this relates to programme funding already committed and approved by the relevant Constituent Authority.
6. Approve operational expenditure within agreed Aberdeen City Region Deal Joint Committee budgets allocated by the Constituent Authorities and/or ONE in order to further the aims of the City Region Deal.
7. Provide feedback to the United Kingdom Government and Scottish Government on the implementation of the City Region Deal and any strategic, economic or infrastructure activities associated with the City Region Deal.
8. Appoint three representatives and three named substitutes of ONE to the membership of the Joint Committee.

These terms of reference will be kept under review by the Constituent Authorities, ONE and the Joint Committee throughout the implementation of the City Region Deal to ensure sufficient accountability of public funds provided through City Region Deal funding.

Executive Lead for the Council: Chief Officer – City Growth

22. NORTHERN ROADS COLLABORATION JOINT COMMITTEE

The Northern Roads Collaboration Joint Committee is a Joint Committee established by Aberdeen City Council, Aberdeenshire Council, Angus Council, Argyll and Bute Council, Comhairle nan Eilean Siar, The Highland Council, The Moray Council and The Orkney Islands Council (the “Constituent Authorities”) under s56 and s57 of the Local Government (Scotland) Act 1973.

The Joint Committee undertakes to appoint two named representatives from each Constituent Authority to its membership.

The creation of the Joint Committee represents the joint commitment of the Constituent Authorities to work collaboratively for the joint discharge of road and road-related functions, including ports and harbours (the “Roads Collaboration”).

In particular it shall have the following powers:

1. To identify suitable projects and initiatives for Roads Collaboration and to make recommendations to Constituent Authorities.
2. To make recommendations to Constituent Authorities in respect of resource contribution, funding arrangements and budget setting for projects and initiatives for Roads Collaboration.
3. To manage resources and approve operational expenditure within agreed Joint Committee budgets for Roads Collaboration.
4. To monitor the effectiveness of the Roads Collaboration and to identify potential improvements and efficiencies.
5. To approve an annual performance report and financial statement for the reporting year on Roads Collaboration.
6. To approve and amend Standing Orders for the Joint Committee and any of its SubCommittees.
7. To appoint the Chair and Vice Chair of the Joint Committee and any of its Sub-Committees.
8. To make arrangements for the provision of business support services for the Joint Committee and any of its Sub-Committees.

Executive Lead for the Council: Chief Officer - Operations

